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YEARDLEY—FLOWERDEWE—WEST.

NOTES FROM ENGLISH RECORDS IN REFERENCE TO THE YEARDLEY, FLOWERDEWE AND WEST FAMILIES. FURNISHED FROM ENGLAND AT THE INSTANCE OF MR. GRIFFIN C. CALLAHAN, PHILADELPHIA, PA.

(Continued)

Chancery Proceedings. Charles I. Y. 7. No. 34.

[Undated]

The replication of Ralphe Yardley complainant to the answer of Francis West esq., defendant.

[Abstract]

The repliant denies that Dame Temperance Yardley, the defendant's late wife, ever sent any tobacco out of Virginia to this repliant in England besides the seaven thousand weight mentioned in the answer. But he says that about the same time she sent into England 100 hogsheads of tobacco which were not sent to him but to one Thomas Wolfrey of Southampton who has not yet given any account of it to this repliant. This repliant further says that the defendant, since the death of the said Dame Temperance, has secretly conveyed away great quantities of tobacco and other the personal estate of Sir George Yardley, and has converted the same to his own use. The defendant ought to restore the same to this repliant for the use of the children & orphans of Sir George Yardley, to whom in equity the same belongs.

Chancery Proceedings Charles I. W. 63 No. 42.

Francis West of the city of Winchester, co. Southants, esquire, comp.

v.

Ralph Yardley of London, an apothecary, defendant.

[Abstract] Bill dated 1 Feb. 1629-30.

[A. D. 1628]

The complainant shows that about the last day of March, 3 Charles I, he married Dame Temperance Yardley, late wife of Sir George Yardely, knight, and by means thereof and of the last will of the said Sir George was to have had a full third part of all the estate of the said Sir George in Virginia or elsewhere, over & above all household stuff being in Sir George's house in James City at the time of his death, which third part so belonging to the complainant amounted to at least £3000, the said Sir George's estate, of which he bequeathed a full third part to his wife, Dame Temperance, being worth £10,000 at least. The said Dame Temperance proved the said will, of which she was executrix, and within one year after her marriage with the complainant she died in Virginia without having made any will, by means whereof her said third part of right belonged to the complainant. The said third part mainly consisted of tobacco growing in Virginia or transported into England, as also of ser-

vants, negroes, &c., and of a plantation of 1000 acres of land with tobacco at Stanley in Warwick River in Virginia, and being all appointed by Sir George's will to be sold for tobacco money or other commodities of that country and to be transported into England to be sold there, a third part thereof was to be delivered to the said Dame Temperance for her own use. This was done partly in Dame Temperance's life time & partly since her death. But Ralph Yardely, the defendant, having knowledge of this & of Dame Temperance's death, and knowing by Sir George's will that a third part belonged to his said wife, and by her death to the complainant, and the other two parts to Sir George's three children, (the complainant being then in Virginia where Dame Temperance died) the said Ralph obtained letters of administration of the goods of the said Sir George and by colour thereof possessed himself of all the personal estate of the said Sir George Yardley. About last Easter the complainant arrived in England, and hearing that the said Ralph had possessed himself not only of Sir George Yardley's estate, but also of the complainant's third part thereof, he repaired to the said Ralph Yardley & asked him to tell him what the said estate amounted to, and to pay him a full third part of the same. All which the said Ralph Yardely utterly refused to do.

The demurrer of Ralphe Yeardly, defendant, to the bill of Francis West esq. complainant.

The defendant says that by the complainant's own shewing letters of administration of the goods of Sir George Yeardley, knight, have been granted to this defendant. It does not appear by any thing set forth in the bill that the complainant has any purparty in the personal estate of Sir George. This defendant is advised by his counsel that neither in law or in equity is he bound to give the complainant any account of the said estate, as is required by his bill.

Will of Francis West
of Winchester, co. Southants, esquire
dated 17 December 5 Charles I. [A. D. 1629.]

[Full abstract]

I desire to make provision for Jane my now wife, one of the daughters of Sir Henry Davye, knight, in case she survives me.

I desire that my wife, as soon as she may after my death, shall sell all my lands, goods, plantations, servants, &c., either in England or Virginia (except jewels, plate, linen and household stuff) and shall have the whole disposing, profits and ordering thereof until such time as my son Francis West shall accomplish his full age of one and twenty, my said wife in the meantime bringing up my said son in learning and in the fear of God. When my said son shall come of age my wife shall deliver to him one half of my said estate to be sold as aforesaid. If my said son shall die under age my said wife shall have all my said estate of lands, plantations, ser-

vants and goods aforesaid to her own use forever, that is to say, such lands & things as I shall be then seised of in fee simple to her & her heirs forever, and all my said personal estate whatsoever to her own use forever, if she happens to have no issue by me. And if she happens to have any issue by me, then I devise the said whole estate, or money to be made upon the sale of the lands, plantations, servants & goods aforesaid (if my said son Francis happen to die during his minority) and the whole benefit thereof to my said wife for her life. But if my said son Francis shall live to be twenty one, and I shall have no issue by my wife Jane, then I devise only one half thereof to her for her life. After the death of my said wife, I devise one full moiety of the whole estate aforesaid (if my son Francis shall die during his minority) unto such children as I shall have by my said wife to be equally divided between them, saving that such eldest son as I shall have by my said wife Jane shall have a double portion. If my said wife shall take a second husband after my death, then the moiety of such estate as shall come to her by virtue of this my last will shall be divided equally between such children as I shall have by her, saving a double portion to the eldest son.

I bequeath to my said wife Jane all such jewels, linen, plate, money & household stuff as I shall be possessed of at the time of my death to her own use forever.

Executrix. My wife Jane.

Overseer. Sir Henry Davye, knight, to whom I bequeath £5.

Provided that if the said Francis West and Jane do die without issue of their bodies between them begotten, that then the one half of all the estate aforesaid shall be in the power of the said Francis West to bestow and give to whomsoever he pleaseth.

Witness. Tho. South, Tho. Hill.

Proved on the 28th April 1634 by Jane West, relict & executrix.

YARDLEY WILLS, PROVED AT LITCHFIELD.

Lichfield

Will of James Yerdeley of Leamington dated —January 1533-4.

[Abstract]

I desire to be buried in the churchyard of Leamington Prior. I make bequests to the church of Leamington Prior, the Mother Church of Coventry, & the mother church of Lichfield. I give to my [sist]er Elisabeth a cow. To my son John & wife Alys the residue of my goods.

Executors. My son John & wife Alys.

Witnesses. Henry Yerdeley, John Freman, Tho. —

Proved 14 October 1534.

[Much mutilated.]